

# Update

Spring 2014

## Notes from the Dispute Resolution Conference

### *First Impressions*

By John Voorhis

As a neophyte to the process of mediation, I attended my first professional conference on March 28<sup>th</sup> and 29<sup>th</sup> at the University of Washington Law School's *Dispute Resolution* conference. After several months as an intake person here at the Bellevue Neighborhood Mediation Program (and just completing my full fledged, forty hour, mediation training the week before,) the two days were a very interesting immersion into the continuously improving and expanding Art of Mediation. Wide-eyed and eager, I showed up early to what was billed as "a wonderful opportunity for attendees to learn new dispute resolution skills, share ideas with colleagues, catch up with old friends and make new ones." The choice of breakout sessions included such topics as foreclosure mediation, parent/teen, negotiation skills and how to develop a professional practice (Read the last one as: *Mediation for Fun and Profit*). I particularly enjoyed the keynote address on *Stress, Executive Function and Conflict Resolution* by Dr. John Medina, Affiliate Professor of Bioengineering, UW. He presented how research has begun to better define the "distance between the chromosome and the behavior." It was a great way to start off the event. Both humorously entertaining and insightful, he explained the two components of Executive Function (EF). The first is cognitive, keeping your head while all about you are losing theirs. The second is emotional, meaning try not to hit somebody during disagreements. The higher the EF, the happier and more successful you will be in all facets of life, due to better stress management and improved organizational skills. Sever-

al studies of those with high EF ratings were much better suited and performed better in the categories of mental health, business and family. Those studies also found that the greatest influence on improving EF was not psychotherapy and pharmaceuticals, but...aerobic exercise. We've heard it before, but Dr. Medina states that 150 minutes of aerobic exercise within a 7 day period can "significantly improve" your EF. Depending on which study you follow, it can increase your EF 20 to 60 percent. Since the human brain was designed to function before the invention of cars and cable television, its basic function was survival: "To solve problems while standing outside in all meteorological conditions while in constant motion." He didn't say we had to work out for 150 minutes in the rain, thankfully.

Overall, I realized I have much to learn and experience from the coming months as I begin the steps of a successful mediator. Beyond that, I came away from the two day event with the hard realization that I have to purchase of a new pair of running shoes.

### *Pre Mediation Conferences*

By Cheryl Cohen

This workshop was well presented by Dee Knapp, a mediator in private practice and a part time visiting professor at Seattle University School of Law where she teaches mediation. Dee has started using this model of pre-mediation conferences and has found it to be successful. The King County Interlocal has also started to use this practice.

What is it? Basically, it is meeting privately and separately with parties prior to mediation, and in

person when possible. This is similar to our own conflict coaching intake process except the meeting is face-to-face and the conciliator is also the mediator. A pre-mediation conference is just as confidential as a mediation, protected by UMA.

Why have a pre-conference mediation?

1. **Rapport:** Parties have a chance to learn about the mediator and mediators have a chance to discover more about the parties and determine their “hot button” issues.
2. **Background and History:** The pre mediation conference invites the parties to do the speaking rather than an attorney. Mediators can actively listen and devote full attention to the parties.
3. **Prepping:** Coach parties on asking questions, and learn what questions they have. How would each party answer the question: “Why Mediate?”
4. **Information Exchange:** Have the parties done their homework and what are they willing to share? What information would be helpful to share? What do they need to know?
5. **Education:** Give a roadmap of the process, the style, the format. Give the ground rules and coach on “I messages.”
6. **Preparation for Joint Session:** Who is going to talk? Probe for the positive: “when we get together, can you say anything positive about the other party?” Help broaden the options and encourage proposals. Coach on negotiation skills. Help parties prepare their opening statements, organize their thoughts and discover what they want. Teach the parties to be succinct.
7. **Schedule and Final Prep:** It is important not to allow too much time between the pre mediation conference and the mediation. Plan the pre-mediation conferences and mediation on the same day when possible. The pre mediation conference should be kept to one hour per party.

## Polarities

By Arleen Nomura

I was intrigued by “Welcome to Polarities: Working with Unsolvables Dilemmas” as the session promised a different way to think about conflict. So, what is a polarity? According to Yarrow Durbin and Donna Lurie, polarities consist of two interdependent sides that have “good” in them, yet they are “in tension” with each other. Both sides are needed to reach a higher goal. Neglecting one side guarantees trouble.

Unlike problems, this tension can never be resolved; it is a fact of life.

Identifying polarities can help a mediator reframe an issue. While problems can be framed as either-or propositions, polarities are both-and situations. Durbin and Lurie introduced us to the Polarity Map: a tool that we can use to keep us from treating a polarity as a problem. During the session, we mapped the polarities, “Spontaneous” and “Organized”.

## Polarity Map

### Higher Purpose: Successful Organization

	Spontaneous	Organized
<b>Values:</b>	<i>Left Positive:</i> fun, agile, flexible, creative	<i>Right Positive:</i> thoughtful, predictable, efficient, orderly
<b>Fears:</b>	<i>Left Negative:</i> chaotic, error-prone, stressful	<i>Right Negative:</i> dull, rigid, missed opportunities, slow to react to change

### Deeper Fear: Failed Organization

To achieve a successful organization, it should be thoughtful, predictable (reliable), efficient and orderly without being so dull and rigid that it misses opportunities and is slow to react to change. And, it should be creative, agile, flexible and a place employees want to be (fun) while avoiding chaos, stress and errors. When you trace this flow (Right Positive, Right Negative, Left Positive, Left Negative and back to Right Positive), you see an infinity loop. When you are stuck in a conflict involving a polarity, you can get “unstuck” by following five steps. In the example above, if you are Spontaneous:

- Identify the other party’s (Organized) values (thoughtful, predictable, orderly, efficient)
- Identify the other party’s (Organized) fears (chaotic, stressful, full of errors)
- Identify your (Spontaneous) values (creative, agile, flexible, fun)
- Re-affirm the other party’s (Organized) values (see step 1)
- Affirm the Higher Purpose as the reason to manage the polarity (we both want success).

Durbin and Lurie concluded that if one polarity is ignored, that side will undermine any agreement. Acknowledge both and the infinity loop will support the agreement automatically.

## Parent—Teen Update

By Galit Arad-Trutner and Pam Orbach



Recruitment of Adults and Teens for the upcoming full 40-hour free mediation training is well underway. If you would enjoy learning mediation skills, compassionate methods of communicating, and would like to volunteer in the Parent Teen program please contact the Bellevue City mediation office at 425-452-4091 and request an application form. The training will be offered by the city at Bellevue City Hall, the third week in June 2014. Now is a great time to get involved.

The Parent Teen Program has grown significantly this year. Teens and adult mediators have been engaged in the process of creating safe positive environments for families to solve disputes, and reconnect in meaningful life enriching ways. We are delighted to see our teens grow in the program practicing their skills regularly in support of others.

The engagement workshops are helping students overcome truancy difficulties, finding the support they need to return to school. Our communication workshops are happening in schools to promote compassionate and positive communication.

Thank you to all our mediators for their commitment and involvement in the program.

## **BNMP Training Opportunities For Mediators and Conciliators**

### ***Parent-Teen Mediation Training 2014***

June 23, 2014 11:00a.m.—5:00p.m.

June 24-27, 2014: 8:30 a.m.-5:00p.m. each day

In Room 1E-120

### **Neighborhood In-Service:**

#### ***Landlord/Tenant Conflicts***

*Presented by Sarah Coffey from Solid Ground*

June 4, 2014: 6:30-8p.m. in room 1E-112

This in-service will focus on tenant rights, navigating landlord screening criteria, eviction, housing loss, deposits, and repairs—all the types of calls we get and the mediations we often encounter.

Sarah Coffey is a Solid Ground tenant counselor who is trained in tenant education and advocacy. We encourage ALL our volunteers to attend this important in-service evening.

### **Parent-Teen In-Service:**

#### ***Think Before You Speak***

*Presented by Maddy McCaslin*

April. 29, 2014: 7-8p.m. in room 1E-118

RSVP by email: [mediation\\_info@bellevuewa.gov](mailto:mediation_info@bellevuewa.gov) or call 425-452-4091

## **CONGRATULATIONS!**

### **NEW CONCILIATORS:**

***Zhanna Kachurina***

***Feng Chou***

***John Voorhis***

***Lynne Feiges***

### **NEW MEDIATORS:**

***Sasha Philip***

***Catherine Zimmerman (foreclosure)***

***Julia Devin (foreclosure)***

### **Program Staff:**

Program Co-Manager:	Cheryl Cohen	-	452-5222
Program Co-Manager:	Andrew Kidde	-	452-5288
Program Assistant	Natalie Daniels	-	452-2897
Foreclosure Case Manager	Julia Devin	-	452-4118

City of Bellevue website: <http://www.bellevuewa.gov>  
(Look for the Mediation Program under "Neighborhood Information")

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# Basic Mediation Training Class: March 2014



Pictured left to right: Zhanna Kachurina, Matthew King,, Mia Barbera, Arshad Ahmad, Teresa Lupinacci, Ronald Brown, Laura Gilliam, John Voorhis, Feng Chou, Carol Betts.

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## **BELLEVUE** **NEIGHBORHOOD MEDIATION PROGRAM**

City of Bellevue Department of Planning and Community Development  
P.O. Box 90012 Bellevue, WA 98009-9012